

1140. Naming this bridge after Senator Roth is a fitting tribute to his many years of public service.

Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume, and I too rise in support of S. 1140.

I appreciate the clear analysis from my friend from Wisconsin. I would have just one other element to add, and that is that I think it is particularly fitting and appropriate for our committee to advance this and to commemorate Senator Roth. He was keenly interested in environmental protection in the course of his career and was one of the most aggressive and active supporters of Amtrak, at a time when, as my colleague and friend mentioned, Senator Roth was a fiscal conservative to the bone.

□ 1445

But he was very clear that investment in a national rail passenger service, Amtrak, was good sound fiscal investment. It was good for the environment. It was good for transportation. I am only sorry that it is not a railroad bridge that we are naming after Senator Roth, but I am proud to support this legislation.

Mr. CASTLE. Mr. Speaker, I rise today in strong support of S. 1140, legislation to name the State Route 1 Bridge over the Chesapeake and Delaware Canal in Delaware after the late Senator William V. Roth, Jr.

S. 1140 passed the Senate unanimously in June 2005, and as the sponsor of the House companion, H.R. 2800, I am pleased to join Senators CARPER and BIDEN in offering my full support for S. 1140 and to encourage its adoption by the House today.

A leader and dedicated public servant, Senator Roth served honorably during his years in Congress and set a tremendous example for future generations of Americans. Best known for creating the successful "Roth IRA," Senator Roth also fought hard in Congress to improve the quality of transportation in the State of Delaware. In the early 1990s, Senator Roth played an important role in helping to build the State Route 1 Bridge in New Castle County, Delaware.

Senator Roth was first elected to the House in 1966, serving two terms, before being elected to the Senate, where he served for 30 years. He also won the Bronze Star for his service in the U.S. Army during World War II. He died in 2003 at the age of 82.

Nothing in my mind would serve as a better tribute to Senator Roth's many years of dedicated public service than to rename this bridge, a true architectural gem in Delaware, in his honor.

I urge all my colleagues to join me in supporting S. 1140.

Mr. BLUMENAUER. I yield back the balance of my time.

Mr. PETRI. I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the Senate bill, S. 1140.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

#### ANIMAL ENTERPRISE TERRORISM ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3880) to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

The Clerk read as follows:

S. 3880

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Enterprise Terrorism Act".

#### SEC. 2. INCLUSION OF ECONOMIC DAMAGE TO ANIMAL ENTERPRISES AND THREATS OF DEATH AND SERIOUS BODILY INJURY TO ASSOCIATED PERSONS.

(a) IN GENERAL.—Section 43 of title 18, United States Code, is amended to read as follows:

#### "§ 43. Force, violence, and threats involving animal enterprises

"(a) OFFENSE.—Whoever travels in interstate or foreign commerce, or uses or causes to be used the mail or any facility of interstate or foreign commerce—

"(1) for the purpose of damaging or interfering with the operations of an animal enterprise; and

"(2) in connection with such purpose—

"(A) intentionally damages or causes the loss of any real or personal property (including animals or records) used by an animal enterprise, or any real or personal property of a person or entity having a connection to, relationship with, or transactions with an animal enterprise;

"(B) intentionally places a person in reasonable fear of the death of, or serious bodily injury to that person, a member of the immediate family (as defined in section 115) of that person, or a spouse or intimate partner of that person by a course of conduct involving threats, acts of vandalism, property damage, criminal trespass, harassment, or intimidation; or

"(C) conspires or attempts to do so; shall be punished as provided for in subsection (b).

"(b) PENALTIES.—The punishment for a violation of section (a) or an attempt or conspiracy to violate subsection (a) shall be—

"(1) a fine under this title or imprisonment not more than 1 year, or both, if the offense does not instill in another the reasonable fear of serious bodily injury or death and—

"(A) the offense results in no economic damage or bodily injury; or

"(B) the offense results in economic damage that does not exceed \$10,000;

"(2) a fine under this title or imprisonment for not more than 5 years, or both, if no bodily injury occurs and—

"(A) the offense results in economic damage exceeding \$10,000 but not exceeding \$100,000; or

"(B) the offense instills in another the reasonable fear of serious bodily injury or death;

"(3) a fine under this title or imprisonment for not more than 10 years, or both, if—

"(A) the offense results in economic damage exceeding \$100,000; or

"(B) the offense results in substantial bodily injury to another individual;

"(4) a fine under this title or imprisonment for not more than 20 years, or both, if—

"(A) the offense results in serious bodily injury to another individual; or

"(B) the offense results in economic damage exceeding \$1,000,000; and

"(5) imprisonment for life or for any terms of years, a fine under this title, or both, if the offense results in death of another individual.

"(c) RESTITUTION.—An order of restitution under section 3663 or 3663A of this title with respect to a violation of this section may also include restitution—

"(1) for the reasonable cost of repeating any experimentation that was interrupted or invalidated as a result of the offense;

"(2) for the loss of food production or farm income reasonably attributable to the offense; and

"(3) for any other economic damage, including any losses or costs caused by economic disruption, resulting from the offense.

"(d) DEFINITIONS.—As used in this section—

"(1) the term 'animal enterprise' means—

"(A) a commercial or academic enterprise that uses or sells animals or animal products for profit, food or fiber production, agriculture, education, research, or testing;

"(B) a zoo, aquarium, animal shelter, pet store, breeder, furrier, circus, or rodeo, or other lawful competitive animal event; or

"(C) any fair or similar event intended to advance agricultural arts and sciences;

"(2) the term 'course of conduct' means a pattern of conduct composed of 2 or more acts, evidencing a continuity of purpose;

"(3) the term 'economic damage'—

"(A) means the replacement costs of lost or damaged property or records, the costs of repeating an interrupted or invalidated experiment, the loss of profits, or increased costs, including losses and increased costs resulting from threats, acts or vandalism, property damage, trespass, harassment, or intimidation taken against a person or entity on account of that person's or entity's connection to, relationship with, or transactions with the animal enterprise; but

"(B) does not include any lawful economic disruption (including a lawful boycott) that results from lawful public, governmental, or business reaction to the disclosure of information about an animal enterprise;

"(4) the term 'serious bodily injury' means—

"(A) injury posing a substantial risk of death;

"(B) extreme physical pain;

"(C) protracted and obvious disfigurement; or

"(D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty; and

"(5) the term 'substantial bodily injury' means—

"(A) deep cuts and serious burns or abrasions;

"(B) short-term or nonobvious disfigurement;

"(C) fractured or dislocated bones, or torn members of the body;

"(D) significant physical pain;

"(E) illness;

"(F) short-term loss or impairment of the function of a bodily member, organ, or mental faculty; or

"(G) any other significant injury to the body.

"(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

"(1) to prohibit any expressive conduct (including peaceful picketing or other peaceful

demonstration) protected from legal prohibition by the First Amendment to the Constitution;

“(2) to create new remedies for interference with activities protected by the free speech or free exercise clauses of the First Amendment to the Constitution, regardless of the point of view expressed, or to limit any existing legal remedies for such interference; or

“(3) to provide exclusive criminal penalties or civil remedies with respect to the conduct prohibited by this action, or to preempt State or local laws that may provide such penalties or remedies.”.

(b) CLERICAL AMENDMENT.—The item relating to section 43 in the table of sections at the beginning of chapter 3 of title 18, United States Code, is amended to read as follows:

“43. Force, violence, and threats involving animal enterprises.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

#### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 3880 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3880, the Animal Enterprise Terrorism Act.

In recent years, some animal rights activist groups have employed violence and intimidation against enterprises that use or sell animals or animal products for food, agriculture, research testing or entertainment uses. In 1992, the Animal Enterprise Protection Act was enacted to provide additional authority to prosecute extremists whose attacks create damages or research losses of at least \$10,000.

However, the last several years have seen an increase in the number and the severity of criminal acts and intimidation against those engaged in animal enterprises. These groups have attacked not only employees of companies conducting research, but also those with any remote link to such research or activities. This has included employees of banks, underwriters, insurance companies, investors, university research facilities, and even the New York Stock Exchange.

Victims have experienced threatening letters, e-mails and phone calls, repeated organized protests at their homes and the blanketing of their neighborhoods with defamatory literature. Some of the more violent acts by these groups include arson, pouring acid on cars, mailing razor blades, and defacing victims' homes.

Many of the actions that the groups have engaged in are not addressed by the current animal enterprise terrorism statute, 18 United States Code 43. This legislation would expand the reach of Federal criminal law to specifically address the use of force, violence or threats against not only animal enterprise organizations, but also those who do business with them. S. 3880 would make it a Federal crime to intentionally damage the property of a person or entity having a connection to, relationship with, or transactions with an animal enterprise. The bill would also make it a criminal act to intentionally place a person or family member in reasonable fear of death or serious bodily injury because of their relationship with an animal enterprise.

Additionally, the legislation expands the definition of economic damage to include loss of property, the costs incurred because of a lost experiment or lost profits. It also includes a definition of the term “economic disruption” to mean losses or increased costs resulting from threats, acts of violence, property damage, trespass, harassment, or intimidation against a person or entity because of their relationship with an animal enterprise. This does not include a lawful boycott.

Finally, an amendment to S. 3880 incorporated during floor consideration in the other body addresses concerns that were raised about the bill's potential impact on lawful protests. S. 3880 clarifies that nothing in this bill shall be construed to prohibit any expressive conduct protected by the first amendment, nor shall it criminalize non-violent activities designed to change public policy or private conduct.

Before closing, I would like to recognize the efforts of my colleague from Wisconsin, Mr. PETRI, who introduced a similar measure in this body and has helped raise awareness of this important issue. I believe this bill can help protect law-abiding citizens who are engaged in lawful activities such as research, farming sales, or manufacturing that involves animals or animal products.

I urge my colleagues to support S. 3880, so we may send this important legislation to the President for his signature.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 3880 is a companion bill to H.R. 4239, the Animal Enterprise Terrorism Act. It reflects a compromise bill arrived at after considerable effort of a bipartisan group involving both House and Senate Judiciary Committee staff over several months.

From hearings in the House and from other reports, we have learned that current Federal law designed to protect animal enterprises have been proven to be reasonably effective in protecting animal enterprises. However, serious gaps and loopholes have been identified

in current law with respect to protecting employees and associates of animal enterprises. Present law protects employees of an animal enterprise, but we have found that employees, board members and family members of businesses and nonprofits affiliated with or doing business with such enterprises are complaining that they are now being stalked, harassed, intimidated or threatened, with some individuals even being physically assaulted, and had their homes, businesses or cars vandalized. Since the Animal Enterprise Terrorism law was enacted in 1992, there have been some 1,100 complaints of such incidents, with property losses reported of being more than \$120 million. Those complaining include farmers, scientists, biomedical and biotechnology industries, research universities, teaching hospitals, financial institutions, magazines, newspapers and other advertising groups and others who are viewed as assisting or enabling targeted animal enterprises.

The evidence is that in many instances extremist elements among the animal rights groups are taking advantage of the fact that the animal enterprise laws do not cover affiliates and associates by using threats, harassment, intimidation and fear and other extreme tactics to pressure them into severing their activities with such enterprises.

S. 3880 is designed to cover these gaps or loopholes by providing to employees, businesses and associates of animal enterprises similar protections to those already covered. In other words, the bill prevents a person from doing indirectly to an animal enterprise what they are prohibited to do directly.

Now, citizens engaging in legitimate animal enterprise activities and anyone associated with them are entitled to be protected from criminal acts and to be able to go about their daily activities free from threats to their person or property and that of their family and associates. State laws are generally good at providing those protections. However, the interstate nature of the planning and execution of the criminal harassment tactics used by some individuals or groups skilled at exploiting gaps or weaknesses in the laws have made it difficult for States to get at problems effectively. That is why this bill is deemed necessary.

While we must protect those engaged in animal enterprises, we must also protect the right of those engaged in first amendment freedoms of expression regarding such enterprises. It goes without saying that first amendment freedoms of expression cannot be defeated by statute. However, to reassure anyone concerned with the intent of this legislation, we have added in the bill assurances that it is not intended as a restraint on freedoms of expression such as lawful boycotting, picketing or otherwise engaging in lawful advocacy for animals.

In addition, we also wanted to recognize that there are some who conscientiously believe that it is their duty to peacefully protest the operation of animal enterprises to the extent of engaging in civil disobedience. If a group's intention were to stage a sit-in or lie-down or to block traffic to a targeted facility, they certainly run the risk of arrest for whatever traffic, trespass or other laws they may be breaking. But they should not be held more accountable for business losses due to causes such as delivery trucks being delayed any more than a boycott or protest against any other business.

To violate the provision of the bill, one must travel or otherwise engage in interstate activity with the intent to cause damage or loss to an animal enterprise. While the losses of profits, lab experiments or other intangible losses are included, it must be proved that such losses were specifically intended for the law to be applied. If there is no damage or economic loss, or damage or loss is less than \$10,000, the offense is a misdemeanor, not a felony.

This bill does not satisfy everyone, but it does represent a reasonable compromise in protecting employees and associates of animal enterprises while avoiding violation of first amendment freedoms.

Mr. Speaker, I reserve the balance of my time.

MR. SENSENBRENNER. Mr. Speaker, I yield 6 minutes to my colleague from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I would like to express my support for the bill before us, the Animal Enterprise Terrorism Act, which is the Senate version of legislation I introduced earlier this Congress. The bipartisan legislation that passed the Senate by unanimous consent amends the existing animal enterprise terrorism statute which has been law since 1992. It extends existing protections for animal enterprises to individuals, businesses and agencies including farmers, scientists, biomedical and biotechnical industries, research universities, teaching hospitals, financial institutions and others who have associations with animal enterprise.

This legislation is in response to rising incidents of violence and threats against these entities as a way to adversely impact animal enterprises without directly violating the existing Animal Enterprise Terrorism Act. The bill before us clarifies that it is a crime to damage or interfere with animal enterprise and expands parameters in existing law to cover threats, harassment and other illegal activities against those who are connected with such enterprises, not just the enterprises themselves. The law increases criminal penalties based on the level of violence or property loss, while specifically exempting from its coverage all first amendment protected activities.

Between January of 1990 and June of 2004, extremist movements such as the Animal Liberation Front, Stop Hunting Animal Cruelty, and the Envi-

ronmental Liberation Front committed more than 1,100 acts of terrorism, causing more than \$120 million in damage. Animal rights extremists advance their cause through direct action, which includes death threats, vandalism, animal releases and bombings. Their actions are calculated to aggressively intimidate and harass those identified as targets.

The FBI considers these extremist groups among its most serious domestic threats. Current Federal law including the Animal Enterprise Protection act is inadequate to address the threats and violence committed by animal rights extremists.

In my own State of Wisconsin, mink farmers and biomedical researchers have experienced their own share of intimidation, harassment and vandalism at the hands of animal rights extremists. Farmers have had their properties raided, causing thousands of dollars of damage.

Scientists around the State have received, in the mail or at their home, razor blades with letters stating that they were laced with the AIDS virus. Personal information such as home addresses, phone numbers, and photographs of researchers have been posted on extremist Web sites. Many of these same scientists report death threats and home visits by animal rights extremists who, through their terrorism, have a goal of driving the scientists out of their research, research which has and will continue to improve human health and quality of life.

□ 1500

The House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on the act in May of this year. At the hearing, a primate researcher from the University of Wisconsin, Madison, testified about the harassment and intimidation which she has experienced.

She has even considered leaving the Parkinson's research field and fears others may do so in the current environment. This statement has proven to be true. Just this past August, a researcher at UCLA halted his primate research because of the repeated harassments by animal rights extremists. The bill will provide Federal authorities with the necessary tools to help prevent and better investigate and prosecute ecoterror cases.

This legislation is widely supported by those in agriculture, biomedical and biotechnology industries, as well as many research universities, teaching hospitals and other research institutes. Enactment of this legislation will enhance the ability of law enforcement and the Justice Department to protect law-abiding American citizens from violence and the threat of violence posed by animal rights extremists.

I would like to take this opportunity to thank my colleague, Chairman SENSENBRENNER, Subcommittee Chairman COBLE, Ranking Member CONYERS, Subcommittee Ranking Member ROBERT

SCOTT, Senator INHOFE and Senator FEINSTEIN for their support in moving this bill forward.

Mr. Speaker, I also have a letter from Advance Publications that details some of the violent and threatening acts made against editors of their magazines, such as Vogue, because of the fashion industry's use of fur or animal products that would be covered under this legislation.

ADVANCE PUBLICATIONS, INC.,  
Staten Island, NY, November 13, 2006.

Re Animal Enterprise Terrorism Act S. 3880

Hon. THOMAS E. PETRI,  
Rayburn House Office Building,  
Washington, DC.

DEAR CONGRESSMAN PETRI: I write to support the passage of the Animal Enterprise Terrorism Act, S. 3880. Advance Publications is engaged throughout the United States in the publication of newspapers, business journals, and consumer magazines and websites on a variety of topics. Advance Publications is also affiliated with Bright House Networks, an operator of cable television systems in numerous states. For your information, a representative listing of Advance's publications and of the locations of Bright House Networks' cable systems is attached.

Our interest in this bill arises from the unfortunate fact that at least one of our publications, Vogue magazine, and its editor, Anna Wintour, have been repeatedly targeted by animal activists who disagree with Vogue magazine's decision to publish editorial content about, and carry advertising for, fur and other animal products, and its support for fashion designers who may use fur. These opponents are, of course, entitled to express their views, but their opposition often takes the form of physical attacks on Ms. Wintour and her home, threats and efforts to harm her, stalking her on the streets and at industry events, and even at a memorial service for her deceased father, and at least one actual physical invasion of Vogue's offices (which put numerous persons in fear, behind locked doors), as well as other attempts to do so.

While fortunately Ms. Wintour has not yet sustained any serious lasting injuries, she has suffered physical pain from those attacks (for example, from a "flour bomb" thrown in her eyes, the effects of which hurt and hampered her for days) and has often with good cause been concerned for her safety and the safety of her family. Indeed, when Ms. Wintour is appearing in public as part of her job (for example, at fashion shows or fashion industry events), we now feel we must provide guards, sometimes armed, to protect her. On a number of occasions we are convinced, had it not been for the presence of these unusual safeguards, Ms. Wintour could have been injured by the efforts to make physical attacks on her. We are of course concerned that these extreme activists will step up the severity of their attacks because their efforts have so far been unsuccessful at silencing Vogue.

We understand that among the arguments made in opposition to the AETA are alleged concerns that it may infringe on First Amendment rights. Our business is wholly dependent upon respect for First Amendment rights, and we are second to none in our defense of such rights. We have closely examined the AETA with this in mind, and we do not agree that the AETA, especially with the "rules of construction" that were added to it, in any way would inhibit or punish free speech or other First Amendment rights.

If anything, the opposite is the case. The real chilling effect on First Amendment rights comes about when editors and others

are put in fear of physical, violent attack because of what they publish or say. It is the violent animal activists who diminish free speech and free press by threatening and attacking editors, publications, and telecasters.

We strongly believe that enactment of S. 3880 will serve to deter many persons from engaging in these and worse violent and threatening acts in the future. In addition, the new law will give prosecutors a powerful new tool to go after those who continue to commit these acts.

Please let me know if we can provide any further information that would be helpful to you.

Very truly yours,

S.I. NEWHOUSE, Jr.,  
Chairman.

ADVANCE PUBLICATIONS INC.—REPRESENTATIVE  
NEWSPAPERS AND MAGAZINES (PUBLISHED BY  
SUBSIDIARIES AND AFFILIATES)

#### *I. Daily Newspapers*

Alabama: The Birmingham News, The Huntsville Times, Mobile Register.

Louisiana: The Times-Picayune. (New Orleans).

Massachusetts: The Union News/Sunday Republican (Springfield).

Michigan: The Ann Arbor News, The Bay City Times, The Flint Journal, The Grand Rapids Press, Jackson Citizen Patriot, Kalamazoo Gazette, The Muskegon Chronicle, The Saginaw News.

Mississippi: Mississippi Press (Pascagoula).  
New Jersey: Bridgeton News, The Jersey Journal (Jersey City), The Star Ledger (Newark), Today's Sunbeam (Salem), The Times of Trenton, Gloucester County Times, (Woodbury).

New York: Staten Island Advance, The Post-Standard (Syracuse).

Ohio: Plain Dealer (Cleveland).

Oregon: The Oregonian (Portland).

Pennsylvania: The Express-Times (Easton), The Patriot-News (Harrisburg).

#### *II. Consumer Magazines*

The Condé Nast Publications: Allure, Architectural Digest, Bon Appétit, Bride's, Condé Nast Traveler, Details, Domino, Elegant Bride, Glamour, Golf Digest, Golf for Women, Gourmet, GQ, House & Garden, Jane, Lucky, Modern Bride, Self, Teen Vogue, The New Yorker, Vanity Fair, Vogue, W, Wired.

Parade Publications: Parade.

#### *III. Cable Systems*

Bright House Networks: Bakersfield, CA; Birmingham, AL; Central Florida; Detroit Suburbs, MI; Indianapolis, IN; Tampa Bay, FL.

#### *IV. Business Journals*

American City Business Journals Inc. Group:

Alabama: Birmingham Business Journal.

Arizona: The Business Journal Phoenix.

California: East Bay Business Times (Oakland), Sacramento Business Journal, San Francisco Business Times, Silicon Valley/San Jose Business Journal.

Colorado: Denver Business Journal.

District of Columbia: Washington Business Journal.

Florida: The Business Journal Serving Jacksonville and Northeast Florida, South Florida Business Journal (Miami), Orlando Business Journal, The Business Journal Tampa Bay.

Georgia: Atlanta Business Chronicle.

Hawaii: Pacific Business News (Honolulu).

Kansas: The Business Journal Serving Metropolitan Kansas City, Wichita Business Journal.

Kentucky: Business First: Greater Louisville's Definitive Source of Local Business.

Massachusetts: Boston Business Journal.

Maryland: Baltimore Business Journal.

Minnesota: City Business: The Business Journal (Minneapolis/St. Paul).

Missouri: St. Louis Business Journal.

New Mexico: New Mexico Business Weekly (Albuquerque).

New York: The Business Review Serving New York's Capital Region (Albany), Business First: Western New York's Business Newspaper (Buffalo).

North Carolina: The Business Journal Serving Charlotte and the Metropolitan Area, The Business Journal Serving the Greater Triad Area (Greensboro Winston-Salem), The Business Journal Serving The Triangle's Business Communities (Raleigh).

Ohio: Business Courier Serving the Cincinnati-Northern Kentucky Region, Columbus Business First (Columbia), Dayton Business Journal.

Oregon: Business Journal Portland.

Pennsylvania: Philadelphia Business Journal, Pittsburgh Business Times.

Tennessee: Memphis Business Journal, Nashville Business Journal.

Texas: Austin Business Journal, Dallas Business Journal, Houston Business Journal, San Antonio Business Journal.

Washington: Puget Sound Business Journal (Seattle).

Wisconsin: The Business Journal Serving Milwaukee.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Would the distinguished gentleman from Wisconsin yield for a question?

Mr. SENSENBRENNER. Certainly.

Mr. KUCINICH. Mr. SENSENBRENNER, as I am reading through this act and looking at the types of injuries that would occur to people, it occurs to me that there are existing Federal statutes which come into play with respect to inflicting bodily harm on individuals. Why are we creating a specific classification here?

Mr. SENSENBRENNER. Would the gentleman yield?

Mr. KUCINICH. Please.

Mr. SENSENBRENNER. The reason the bill is before us is that the current statute is drafted too narrowly and does not deal with threats by animal rights extremists in inflicting bodily harm, for example, against the publisher of Vogue magazine, because they put ads in depicting people wearing furs.

Mr. KUCINICH. Well, reclaiming my time, I certainly stand with every Member of this House in defense of the rights of individuals to be free of bodily harm or injury under all and any circumstances. I think it would be a little bit easier for some of us to support this legislation.

Mr. SENSENBRENNER. Well, will the gentleman yield?

Mr. KUCINICH. I certainly will yield.

Mr. SENSENBRENNER. The reason the bill is before us is that the current statute does not extend the reach of the Federal criminal law to those who do business with animal enterprise organizations, and the bill will make it a specific crime to intentionally damage the property of a person or entity having the connection to or relationship with or transactions with an animal

enterprise. That is not in the current law now.

Mr. KUCINICH. Reclaiming my time, and I thank the gentleman for pointing that out. However, I must say that the reach of the Federal law includes any place which does Federal research, and all these universities are involved in research projects as universities who are supporting this bill.

I cannot see why we need to have a specific law with this regard. I mean, just as we need to protect peoples' right to conduct their work without fear of assault, so too this Congress has yet to address some fundamental ethical principles with respect to animals. How should animals be treated humanely? This is a debate that hasn't come here.

There are some specific principles with respect to humane treatment of animals. My concern about this bill is that it could have a chilling effect on people who, the law says, well, their first amendment rights are protected. But the law also is written in such a way as to have a chilling effect on the exercise of the constitutional rights of protest, and so for that reason, I can't support this. I think that it would be important for this Congress to look at the claims of people who are sincere advocates of animal rights.

I am not talking about people who would threaten anyone with death because they don't agree with them, but there are individuals who love animals, who don't want to see animals hurt, who have a point and a right to speak out. I think for that reason, this bill has not yet reached its maturity.

I think I understand what the sponsors of this bill are trying to do, but I don't think that the end that it is going to, you are hoping to achieve, that you are going to reach, because unless this Congress makes a clear statement about ethical principles with respect to animals, and how we treat animals, how are animals treated in research, these are really serious questions that millions and millions of Americans care about.

So I understand the intent here. But I just think that you have got to be very careful about painting everyone with the broad brush of terrorism who might have a legitimate objection to a type of research or treatment of animals that is not humane. So, again, I wanted to express this note of caution about this legislation, but notwithstanding that there are specific statements about protection of the first amendment. This bill is written in such a way as to have a chilling effect on the exercise of peoples' first amendment rights.

Mr. SENSENBRENNER. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from Wisconsin has 11 minutes.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am afraid that my distinguished colleague from Ohio hasn't

read the bill, so I will read it for him. At the end of page 7 in the Senate-passed bill, there is a subsection (e) called "rules of construction," which says, in part: nothing in this section shall be construed, one, to prohibit any expressive conduct, including peaceful picketing or other peaceful demonstration, protected from legal prohibition by the first amendment to the Constitution.

Two, to create new remedies for interference with activities protected by the free speech or free exercise clause of the first amendment to the Constitution regardless of the point of view expressed or to limit any existing legal remedies for such interference.

That means that if somebody wishes to peacefully protest research on animals, they can do so, as the statute, with the amendment that was adopted on the floor in the other body, specifically prohibits a prosecution for that.

Now, let's look at what the people this bill has been designed to go after have been saying:

"I don't think you would have to kill too many researchers. I think that for 5 lives, 10 lives, 15 human lives, we could save 1 million, 2 million or 10 million nonhuman lives." Animal Liberation Press Officer Jerry Vlasak at the 2003 National Animal Rights Conference in Los Angeles.

Second: "Arson property destruction, burglary and theft are 'acceptable crimes' when used for the animal cause." That quote was from Alex Pacheco, who is the director of PETA.

Third: "I wish we all would get up and go into the labs and take the animals out or burn them down." That is Ingrid Newkirk, president of PETA at the National Animal Rights Convention '97, June 27, 1997.

"Get arrested. Destroy the property of those who torture animals. Liberate those animals interned in the hellholes our society tolerates." That is Jerry Vlasak of the Animal Defense League again on an Internet post of June 21, 1996.

"We have found that civil disobedience and direct action has been powerful in generating massive attention in our communities . . . and has been very effective in traumatizing our targets." J.P. Goodwin, Committee to Abolish the Fur Trade at the National Animal Rights Convention in Los Angeles June 27, 1997.

Or: "In a war you have to take up arms, and people will get killed, and I can support that kind of action by petrol bombing and bombs under cars, and probably at a later stage, the shooting of vivisectionists on their doorsteps. It is a war, and there is no other way you can stop vivisectionists." Tim Daley, British Animal Liberation Front leader.

Finally, another one from Jerry Vlasak: "If they won't stop when you ask them nicely, they don't stop when you demonstrate to them what they are doing is wrong, then they should be stopped using whatever means are necessary."

This bill is designed to criminalize whatever means are necessary outside the Constitution.

Mr. KUCINICH. Would the gentleman yield?

Mr. SENSENBRENNER. I am happy to yield.

Mr. KUCINICH. I thank the gentleman. To calm the gentleman's concerns, I have read the bill, and I underlined the sections that I expressed concern about. I am concerned about, as you are, anyone who wants to commit violence against anyone. Remember, I am the author of the bill to create a Department of Peace and Nonviolence. I share your concern about violence. I am suggesting that carving out a special section of law here has a chilling effect.

Mr. SENSENBRENNER. Reclaiming my time, again, I will reread page 7, lines 10 through 21 of the bill that was passed by the other body that says nothing in this section shall be construed to prohibit any expressive conduct, including peaceful picketing or other peaceful demonstration protected from legal prohibition by the first amendment to the Constitution.

Two, to create new remedies for interference with activities protected by the free speech or free exercise clause of the first amendment to the Constitution, regardless of the point of view expressed or to limit any existing legal remedies for such interference, unquote.

Now, what this section says is that nothing in the bill, absolutely nothing in the bill shall be construed to restrict what I have just read. This bill should pass. We should reject the red herrings that we are hearing from the gentleman from Ohio and other opponents.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Again, I applaud the gentleman from Wisconsin for his commitment to protecting people from harm. I would like to read the next paragraph that he didn't get to, because it raises a question about why this bill is necessary: nothing in this section shall be construed, number 3, to provide exclusive criminal penalties or civil remedies with respect to the conduct prohibited by this action.

So what is this all about? This bill, in effect, does provide exclusive criminal penalties for a certain type of conduct, and yet the drafting of this bill makes section 3, under rules of construction, totally contradictory. This says there aren't any exclusive penalties, but the whole of the bill maintains and establishes exclusive penalties. So this is why bringing up a bill like this under suspension, no matter how well intentioned it may be, is problematic.

This bill has an inherent flaw that I am pointing out. In addition, when that flaw is held up against the constitutional mandate to protect freedom

of speech, what we have done here is we have crippled free expression.

I am not and never have been in favor of anyone using a cloak of free speech to commit violence. The Supreme Court Justice said, your right to swing your fist ends at the tip of my nose. No one has the right to yell "fire" in a crowded theater. We have heard those kinds of admonitions.

On the other hand, the chairman's recitation of the statements of animal rights activists, statements that I, myself, would disagree with, those statements, in and of themselves, are constitutionally protected speech.

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Yet under this bill they suddenly find themselves shifting into an area of doubt, which goes back to my initial claim that this bill was written to have a chilling effect upon a specific type of protest.

Again, I am not for anyone abusing their rights by damaging another person's property or person, but I am for protecting the first amendment and not creating a special class of violations for a specific type of protest.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

I would just like to sum up that on October 30 the American Civil Liberties Union sent a letter to the gentleman from Michigan (Mr. CONYERS), my ranking member, and myself, not opposing this legislation. They did ask for minor changes, but they did not express one concern about constitutionally protected first amendment rights being infringed upon or jeopardized in any way by this bill.

Now, if there ever was an organization that really goes all the way on one side in interpreting the first amendment as liberally as it can, it is the American Civil Liberties Union. My friend from Ohio, whom I have a great respect for, is even outside the definition of the first amendment that the ACLU has eloquently advanced in the halls of this Capitol for decades and will do so for decades to come.

This is a good bill. I think that all of the fears that the gentleman from Ohio has placed on the record are ill-founded by practically everybody who has looked through this bill, including the ACLU. All I need to do is go back to the quotes that I cited a couple of minutes ago to show why this bill is vitally necessary.

I urge a "yes" vote on the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 3880.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

## EXTENDING PERMANENT NORMAL TRADE RELATIONS TO VIETNAM

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5602) to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam, as amended.

The Clerk read as follows:

H.R. 5602

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. FINDINGS.

Congress finds the following:

(1) In July 1995, President Bill Clinton announced the formal normalization of diplomatic relations between the United States and Vietnam.

(2) Vietnam has taken cooperative steps with the United States under the United States Joint POW/MIA Accounting Command (formerly the Joint Task Force-Full Accounting) established in 1992 by President George H.W. Bush to provide the fullest possible accounting of MIA and POW cases.

(3) In 2000, the United States and Vietnam concluded a bilateral trade agreement that included commitments on goods, services, intellectual property rights, and investment. The agreement was approved by joint resolution enacted pursuant to section 405(c) of the Trade Act of 1974 (19 U.S.C. 2435(c)), and entered into force in December 2001.

(4) Since 2001, normal trade relations treatment has consistently been extended to Vietnam pursuant to title IV of the Trade Act of 1974.

(5) Vietnam has undertaken significant market-based economic reforms, including the reduction of government subsidies, tariffs and nontariff barriers, and extensive legal reform. These measures have dramatically improved Vietnam's business and investment climate.

(6) Vietnam is in the process of acceding to the World Trade Organization. On May 31, 2006, the United States and Vietnam signed a comprehensive bilateral agreement providing greater market access for goods and services and other trade liberalizing commitments as part of the World Trade Organization accession process.

### SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO VIETNAM.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NON-DISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Vietnam; and

(2) after making a determination under paragraph (1) with respect to Vietnam, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF THE APPLICABILITY OF TITLE IV.—On and after the effective date of the extension of nondiscriminatory treatment to the products of Vietnam under subsection (a), title IV of the Trade Act of 1974 shall cease to apply to that country.

### SEC. 3. PROCEDURE FOR DETERMINING PROHIBITED SUBSIDIES BY VIETNAM.

(a) AUTHORITY OF TRADE REPRESENTATIVE.—The Trade Representative may conduct proceedings under this section to determine whether the Government of Vietnam is providing, on or after the date on which

Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or apparel industry, if such proceedings are begun, and consultations under section 4(a) are initiated, during the 1-year period beginning on the date on which Vietnam accedes to the World Trade Organization.

(b) PETITIONS.—

(1) FILING.—Any interested person may file a petition with the Trade Representative requesting that the Trade Representative make a determination under subsection (a). The petition shall set forth the allegations in support of the request.

(2) REVIEW BY TRADE REPRESENTATIVE.—The Trade Representative shall review the allegations in any petition filed under paragraph (1) and, not later than 20 days after the date on which the Trade Representative receives the petition, shall determine whether to initiate proceedings to make a determination under subsection (a).

(3) PROCEDURES.—

(A) DETERMINATION TO INITIATE PROCEEDINGS.—If the Trade Representative makes an affirmative determination under paragraph (2) with respect to a petition, the Trade Representative shall publish a summary of the petition in the Federal Register and notice of the initiation of proceedings under this section.

(B) DETERMINATION NOT TO INITIATE PROCEEDINGS.—If the Trade Representative determines not to initiate proceedings with respect to a petition, the Trade Representative shall inform the petitioner of the reasons therefor and shall publish notice of the determination, together with a summary of those reasons, in the Federal Register.

(c) INITIATION OF PROCEEDINGS BY OTHER MEANS.—If the Trade Representative determines, in the absence of a petition, that proceedings should be initiated under this section, the Trade Representative shall publish in the Federal Register that determination, together with the reasons therefor, and notice of the initiation of proceedings under this section.

### SEC. 4. CONSULTATIONS UPON INITIATION OF INVESTIGATION.

If the Trade Representative initiates a proceeding under subsection (b)(3)(A) or (c) of section 3, the Trade Representative, on behalf of the United States, shall, on the day on which notice thereof is published under the applicable subsection, so notify the Government of Vietnam and request consultations with that government regarding the subsidy.

### SEC. 5. PUBLIC PARTICIPATION AND CONSULTATION.

(a) PUBLIC PARTICIPATION.—In the notice published under subsection (b)(3)(A) or (c) of section 3, the Trade Representative shall provide an opportunity to the public for the presentation of views concerning the issues—

(1) within the 30-day period beginning on the date of the notice (or on a date after such period if agreed to by the petitioner), or

(2) at such other time if a timely request therefor is made by the petitioner or by any interested person,

with a public hearing if requested by an interested person.

(b) CONSULTATION.—The Trade Representative shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, and with the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155), with respect to whether to initiate proceedings under section 3 and, if proceedings are conducted, with respect to making the determination under subsection (c).

(c) DETERMINATION.—After considering all comments submitted, and within 30 days

after the close of the comment period under subsection (a), the Trade Representative shall determine whether the Government of Vietnam is providing, on or after the date on which Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or apparel industry. The Trade Representative shall publish that determination in the Federal Register, together with the justification for the determination.

(d) RECORD.—The Trade Representative shall make available to the public a complete record of all nonconfidential information presented in proceedings conducted under this section, together with a summary of confidential information so submitted.

### SEC. 6. ARBITRATION AND IMPOSITION OF QUOTAS.

(a) ARBITRATION.—If, within 60 days after consultations are requested under section 4, in a case in which the Trade Representative makes an affirmative determination under section 5(c), the matter in dispute is not resolved, the Trade Representative shall request arbitration of the matter under the Dispute Settlement Understanding.

(b) IMPOSITION OF QUOTAS.—

(1) IN GENERAL.—The Trade Representative shall impose, for a period of not more than 1 year, the quantitative limitations described in paragraph (2) on textile and apparel products of Vietnam—

(A) if, pursuant to arbitration under subsection (a), the arbitrator determines that the Government of Vietnam is providing, on or after the date on which Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or apparel industry; or

(B) if the arbitrator does not issue a decision within 120 days after the request for arbitration, in which case the limitations cease to be effective if the arbitrator, after such limitations are imposed, determines that the Government of Vietnam is not providing, on or after the date on which Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or apparel industry.

(2) LIMITATIONS DESCRIBED.—The quantitative limitations referred to in paragraph (1) are those quantitative limitations that were in effect under the Bilateral Textile Agreement during the most recent full calendar year in which the Bilateral Textile Agreement was in effect.

(c) DETERMINATION OF COMPLIANCE.—If, after imposing quantitative limitations under subsection (b) because of a prohibited subsidy, the Trade Representative determines that the Government of Vietnam is not providing, on or after the date on which Vietnam accedes to the World Trade Organization, a prohibited subsidy to its textile or apparel industry, the quantitative limitations shall cease to be effective on the date on which that determination is made.

### SEC. 7. DEFINITIONS.

In this Act:

(1) BILATERAL TEXTILE AGREEMENT.—The term "Bilateral Textile Agreement" means the Agreement Relating to Trade in Cotton, Wool, Man-Made Fiber, Non-Cotton Vegetable Fiber and Silk Blend Textiles and Textile Products Between the Governments of the United States of America and the Socialist Republic of Vietnam, entered into on July 17, 2003.

(2) DISPUTE SETTLEMENT UNDERSTANDING.—The term "Dispute Settlement Understanding" means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 101(d)(16) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(16)).

(3) INTERESTED PERSON.—The term "interested person" includes, but is not limited to,